

Key Themes and Considerations Across State Opioid Spending

Maine Recovery Council, April 27, 2023

About NASHP

For over 35 years, NASHP has been a nonpartisan organization committed to developing and advancing state health policy innovations and solutions.

NASHP provides a unique forum for the productive exchange of strategies across state government, including the executive and legislative branches.



Our Mission and Vision



Vision

To improve the health and well-being of all people across every state.



Mission

To be of, by, and for all states by providing nonpartisan support for the development of policies that:

1. promote and sustain healthy people and communities,
2. advance high quality and affordable health care, and
3. address health equity.

NASHP's Efforts to Support State Leaders in Opioid Settlement Planning and Spending

- Resources for States:

- State Tracker:

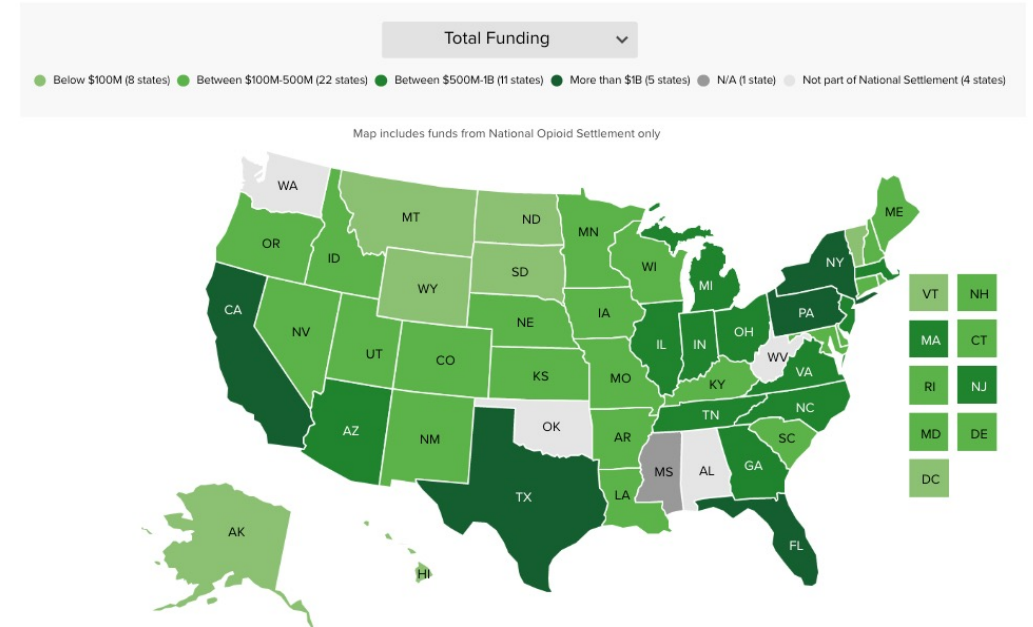
- [State Approaches for Distribution of National Opioid Settlement Funding](#)

- Blogs and Issue Briefs

- [Understanding Opioid Settlement Spending Plans Across States: Key Components and Approaches](#)
- [Strategies to Support State-Local Collaboration on Opioid Settlement Spending](#)
- [Case study](#) of settlement governance structures in Maine, Kansas, and Pennsylvania

- Webinars

- [Strategies for State-Local Collaboration in Opioid Settlement Spending](#)
- [State Opioid Settlements: Spotlight on Maine](#)



State Opioid Settlement Learning Network



Ongoing forum for state-to-state learning and discussion of the opioid settlement spending process



Discuss emerging challenges and promising practices related to opioid settlement administration, such as:

- Strategies for collaborating with local and tribal partners
- Promoting transparency and accountability of funding
- Alignment of settlement planning with opioid funding streams
- Integrating health equity into planning and addressing racial and ethnic disparities in treatment access and outcomes

State	Legislation	Spending plan or agreement	Disbursement of Statewide Funding	State - Subdivision Split	Role of advisory committees
CT	HB 5044: An Act Implementing the Governor's Budget Recommendations Regarding the Use of Opioid Litigation Proceeds	N/A	Legislation creates an Opioid Settlement Fund to hold the state share of settlement funding and grants the power to administer the fund to the Opioid Settlement Advisory Committee. Disbursements are formally made by the Department of Mental Health and Addiction Services.	85% to state Opioid Settlement Fund, 15% to local jurisdictions	The Opioid Settlement Advisory Committee has decision-making authority over state settlement funding. The Commissioner of Mental Health and Addiction Services serves as the chair of the committee, but cannot overrule or deviate from committee's decisions.
ME	LD 1722: An Act to Ensure Access to All Paths to Recovery for Persons Affected by Opioids Using Money Obtained through Litigation against Opioid Manufacturers	MOU	The State's MOU creates a Maine Recovery Council and authorizes it to direct the disbursement of the 50% Maine Recovery Fund. The Attorney General controls the 20% State share of the funding.	20% State, 30% Subdivisions, 50% Maine Recovery Fund	The Maine Recovery Council has authority to make disbursement decisions for the Maine Recovery Fund.
MA	HB 5129: An Act Establishing the Opioid Recovery and Remediation Trust Fund	Agreement	Legislation gives the Executive Office of Health and Human Services the authority to make expenditures from the statewide Opioid Recovery and Remediation Trust Fund, and creates an Opioid Recovery and Remediation Trust Fund Advisory Council to provide spending recommendations to EOHHS.	60% Statewide Opioid Recovery and Remediation Fund, 40% Subdivisions	The Opioid Recovery and Remediation Trust Fund Advisory Council makes recommendations to the Executive Office of Health and Human Services.
NH	HB 1639: Opioid Abatement Trust Fund	N/A	Legislation gives the power to distribute the state share of settlement funding to the commissioner of the Department of Health and Human Services, with all distributions requiring approval from an Opioid Abatement Advisory Commission.	85% statewide trust fund, 15% local.	The Opioid Abatement Advisory Commission must approve any distributions made by the Commissioner of Health and Human Services.
RI	HB 7123: Making Appropriations for the Support of the State for the Fiscal year Ending June 30, 2023.	MOU	An MOU requires an Advisory Committee to make annual recommendations for the state share of the settlement funding to the Executive Office of Health and Human Services, and requires the secretary of EOHHS to provide a public, written explanation to the Advisory Committee if they "substantially deviate" from the Committee's recommendations.	80% state share, 20% participating cities and towns.	The Advisory Committee makes recommendations to the Executive Office of Health and Human Services.
VT	H 711: An act relating to the creation of the Opioid Settlement Advisory Committee and the Opioid Abatement Special Fund	N/A	Legislation requires that money in the 70% statewide abatement fund be disbursed by the Department of Health, which may consider recommendations from an Opioid Settlement Advisory Committee.	15% State, 15% Subdivisions, 70% Statewide Abatement Fund.	The Opioid Settlement Advisory Committee makes recommendations to the Department of Health, the Governor, and the General Assembly.

For links to key documents and information on all 50 states and DC, see NASHP's full tracker:

<https://nashp.org/state-approaches-for-distribution-of-national-opioid-settlement-funding/>



States that share common abatement process with Maine

Context for Maine's Settlement Approach

- State Population and geography
 - Mix of urban and rural
 - Small population
 - New England
- Settlement Structure Characteristics
 - Statewide abatement fund
 - Decision-making advisory group
 - Relatively standard state-local split

States operating under similar contexts or approaches

- Kentucky
 - Key Similarities: Decision-making advisory group, Independent statewide abatement fund, 50% of settlement total in statewide fund
- Massachusetts
 - Key Similarities: Region, Urban/rural stratification, Statewide fund, Advisory council, Thorough reporting requirements, 60% of settlement total in statewide fund
- New Hampshire
 - Key Similarities: Region, Statewide fund, Decision-making advisory group,
- Rhode Island
 - Key Similarities: Size, Region, Use of advisory council

Where are states in the spending process

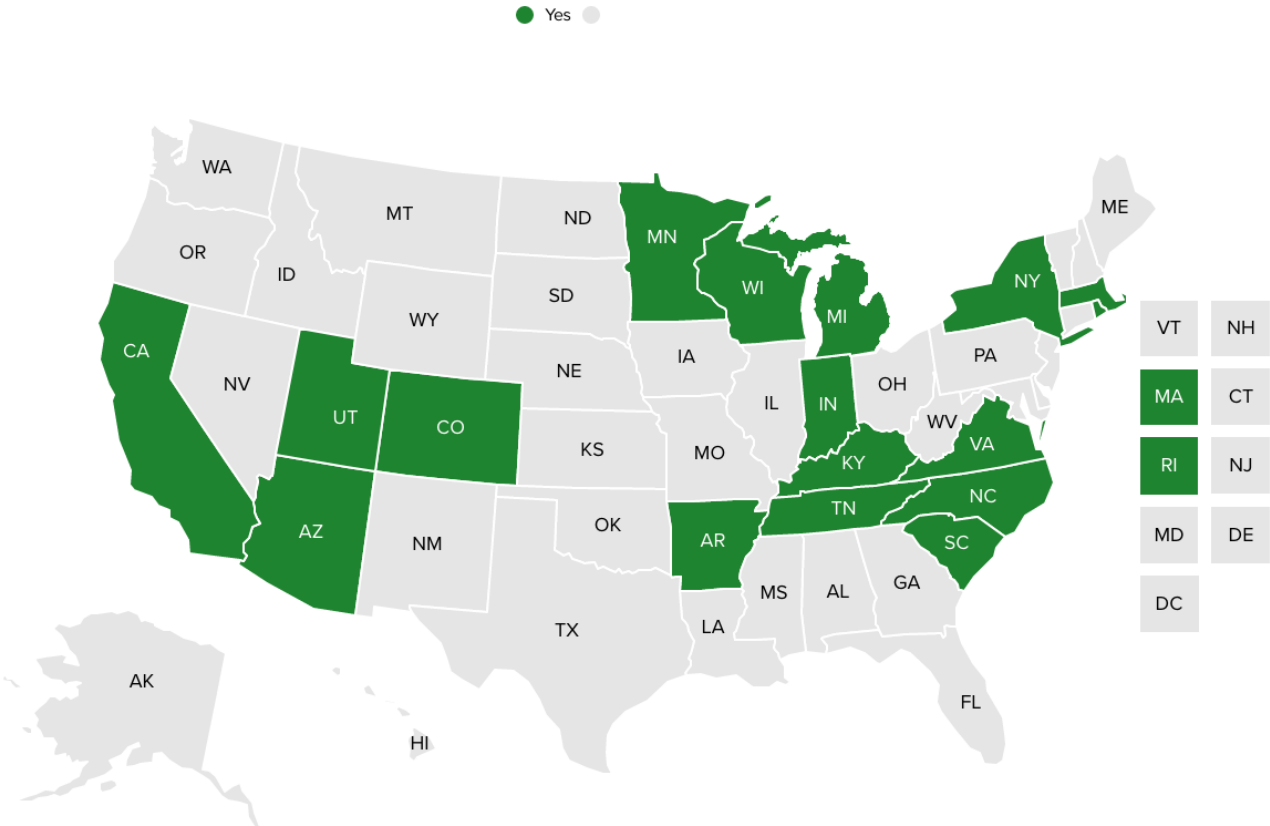


At least **17 states** have now determined and announced uses for an initial portion of settlement money (AZ, CA, CO, IN, KY, MA, MI, MN, NC, NY, RI, SC, TN, UT, VA, WI, WY).



At least **13 states** have published annual reports (MA, NY, RI, SD, TN, WI, WY) or formal spending recommendations (AK, VT), or both (AL, ID, MI, NV)

States that have announced uses for initial portion of settlement funds



Examples: Initial Allocations Made by States

At least three states (MA, RI, WI) have begun to make specific funding allocations through state agencies.

Massachusetts Funded strategies

- \$3.4 million harm reduction
- \$3.1 million MOUD access
- \$2 million supportive housing
- \$0.75 million community outreach and engagement

Wisconsin Funded Strategies:

- \$0.25 million school-based prevention
- \$300,000 fentanyl testing strips
- \$750,000 NARCAN direct program
- \$2.5 million in grants for room and board at residential treatment facilities
- \$6 million for tribal nations

Rhode Island major expenditures

- \$2 million new brick-and-mortar facilities
- \$2 million harm reduction centers
- \$1 million expansion of street outreach
- \$750,000 expansion of recovery housing
- \$1.5 million investment in school and community-based mental health (expanding prevention counselors)
- \$2.5 million investment in community-based mental health
- \$700,000 for “basic needs” materials for harm reduction and recovery programs
- \$600,000 to hire staff to work with substance-exposed newborns

Understanding Opioid Settlement Spending Plans Across States: Key State Responsibilities

Implementing
decision-making
processes and
structures

Creation of
advisory
committees

Disbursement of
“state share”
funding

Coordination
across state
agencies and
stakeholders

Promoting public
input and
transparency

Reporting and
accountability

For more info, see NASHP’s Brief: [Understanding Opioid Settlement Spending Plans Across States: Key Components and Approaches](#)

Key Issue: Logistics of RFP and Grants Management Processes

Many states award some or all settlement funding through RFP processes open to state and local agencies and independent treatment, recovery, harm reduction, or prevention programs, with applications scored on formal criteria and awards made in distinct rounds or on a rolling basis

- Currently reviewing applications: DE, KS, KY, MD, NH, NV, VA
- Example: **Kentucky's** Strategies for RFP/Grant Management Process:
 - Meetings began July 2022
 - Applications and awards occur on a rolling basis
 - Any governmental agency or non-governmental entity may apply for funds
 - Council has published a [Frequently Asked Questions document](#) to clarify the process

Key Issue: Aligning Funding Sources

To maximize the impact of settlement dollars, states are developing strategies for aligning this spending with existing state plans, efforts, and funding streams such as State Opioid Response grants, Substance Abuse Prevention and Treatment Block Grants, and other federal funding.

- Example: **Rhode Island's** Strategies for aligning funding sources:
 - Feedback and recommendations from our Governor's Taskforce Workgroups
 - Staff-led evidence review
 - Review of existing and anticipated funding and other investments/resources.
 - Ongoing communication with others in state govt. working on opioids — governor's taskforce workgroups, state agencies, fiscal and program staff

Recommendation Table Example

Program	Activity Grouping or Main Suggestion	Item Summary	Estimated Funding Needed for FY23	Funded now?	Current Funding Source?	Priority from Work Group, Community Open Letter, or Survey	Primary Pillar Alignment
Communications - Extend Small Amount/Fentanyl Risks Campaign	Expand Communications Campaigns	Small Amount/Fentanyl Risks Campaign	Unspecified	Seeking Expansion	Stewardship Fund	Communications WG	9. Public Communication s & Messaging
New Campaign: Accidental Drug Poisonings & Youth/Children	New Communications Campaigns	Accidental Drug Poisonings Campaign	Unspecified	Seeking Expansion	COVID Block Grant	Communications WG	9. Public Communication s & Messaging
New Campaign: CDC's Polysubstance Use Campaign	New Communications Campaigns	CDC Polysubstance Use Campaign	Unspecified	Yes	McKinsey	Communications WG	9. Public Communication s & Messaging

OSAC March 15, 2023

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RHODE ISLAND

Key Issue: Reporting

States are implementing a variety of strategies for transparent decision making to ensure compliance with settlements' requirements that dollars go towards programs and investments that directly address the impacts of the opioid epidemic. These strategies include open meetings, public-facing websites, annual reports, and key performance indicators from recipients of funds.

- Examples: Massachusetts', North Carolina's, and Colorado's strategies for reporting:
 - **Massachusetts'** [annual reports](#) include accounting of all expenditures made from statewide Opioid Recovery and Remediation Fund.
 - The **North Carolina** [Memorandum of Agreement](#) offers a high level of transparency and accountability for the use of opioid settlement funds. This opioid settlement resource hub will include dashboards showing how local governments plan to spend opioid settlement funds, how they spend settlement funds (annual financial reports), and the positive impact these investments are having (annual impact reports).
 - **Colorado** has created a public-facing, interactive [dashboard](#) that tracks its settlement dollars.



Colorado Opioid Settlement Dashboard

The Colorado Opioid Settlement Dashboard was created by the Department of Law on behalf of the Colorado Opioid Abatement Council (COAC). The Dashboard is designed to provide accurate and up to date information regarding the distribution of Opioid Settlement Funds. Data will be updated as expenditures are reported, annual funds are requested, and additional lawsuits are settled. The figures in this Dashboard are best estimates at this time and may be subject to adjustments at a later date, for example to account for national administrative costs that may be incurred. Additionally, the opioid settlement funds will be different from year to year and will be adjusted as needed.



Expenditure Data

All regional, and local governments, the State, and recipients of Infrastructure Funds are required to submit expenditure data showing how their Opioid Settlement Funds have been used for Approved Purposes. Expenditure data will be collected annually, and will be provided to the COAC one year after the first Opioid Settlement Funds distribution. Expenditure data will be shown on this Dashboard beginning in late 2023 to promote transparency and accountability for Opioid Settlement Funds, and to provide data on funding trends.



Thank you!

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